



DOCKET NO.: L0461.70104US00

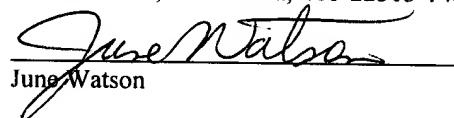
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Luiten et al.
Serial No: 09/766,889
Confirmation. No.: 9782
Filed: January 19, 2001
For: MAGE ANTIGENIC PEPTIDES WHICH BIND HLA-B35 AND HLA-B44

Examiner: M. DiBrino
Art Unit: 1644

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 27th day of August, 2003.


June Watson

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is responsive to the restriction requirement mailed on July 29, 2003. Applicant hereby elects Invention III (claims 8 and 9) for prosecution. Pursuant to the species election requirement made on page 4 relative to Invention III, Applicant elects a peptide comprising SEQ ID NO:10.

Applicant traverses the species requirement for two reasons. First, claims 8 and 9 (and canceled dependent claims) relate only to peptides that comprise SEQ ID NO:10. Second, Applicant disagrees with the (B) species presented by the Examiner because the specification quite clearly states that the "MAGE HLA binding peptides of the invention do not include the entire MAGE-A1 or MAGE-A3 polypeptides but do include fragments of the MAGE-A1 or MAGE-A3 polypeptides that include the MAGE HLA binding peptides disclosed herein" such as

SEQ ID NOs: 8, 9 and 10. (see page 16, lines 10-12 of the specification). Therefore, Applicant believes that the species requirement is incorrect and respectfully requests that it be withdrawn.

Applicant has concurrently filed an amendment to a number of dependent claims in view of the election of an invention for prosecution. Following entry of this amendment, all of the claims are readable on the elected species (MAGE-A1/HLA-B35 binding peptide comprising SEQ ID NO:10 and functional variants thereof).

Respectfully submitted,

Luiten et al., Applicant


John R. Van Amsterdam, Reg. No. 40,212
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Telephone: (617) 720-3500

Docket No. L0461.70104US00

Date: August 27, 2003
x08/29/03